

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|              |   |                   |
|--------------|---|-------------------|
| IN RE:       | § |                   |
|              | § | CASE NO. 18-30849 |
| BENDCO, INC. | § |                   |
|              | § | Chapter 11        |
| Debtor       | § |                   |

**MOTION FOR ENTRY OF RULE 4001 STIPULATION AND AGREED ORDER FOR  
ADEQUATE PROTECTION BETWEEN DEBTOR AND TCF EQUIPMENT  
FINANCE, A DIVISION OF TCF NATIONAL BANK**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 14 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

**COMES NOW**, TCF Equipment Finance, a Division of TCF National Bank, (“TCF”) files this Motion for Entry of Rule 4001 Stipulation and Agreed Order for Adequate Protection between Debtor and TCF and in support thereof respectfully shows the Court the following:

1. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157 and 11 U.S.C. Section 362(d), and is brought by motion pursuant to Bankruptcy Rule 4001(d).

2. The Debtor filed a Voluntary Petition under Chapter 11 of the United States Bankruptcy Code on February 28, 2018 and has been continually operating its business.

3. Prior to the commencement of this case, on or about May 16, 2013, Debtor entered in to a written Master Lease Agreement with Balboa Capital Corporation (the “Contract”) to finance the purchase of a Roundo section bending machine Model R-5S, s/n 08889 with standard equipment and digital readouts (the “Equipment”). A UCC-11 Financing Statement was filed on May 22, 2013. The Contract and UCC were assigned to TCF on or about May 30, 2013. The Contract required Debtor to make quarterly payments and to maintain insurance on the Equipment among other things.

4. Debtor was in arrears on its payments as of the date of filing of this case. The Contract had been accelerated and matured prior to the filing. No post-petition payments have been made to TCF. TCF is fully secured under Section 506 of the Bankruptcy Code and is owed a total of \$29,498.59. Debtor is in possession of and continues to use the Equipment in its business. Debtor asserts that the Equipment is necessary for its continued business operations and an effective reorganization.

5. TCF and Debtor have entered into a Stipulation and Agreed Order for Adequate Protection which sets forth the terms of the parties’ agreement for Debtor’s continued use of the Equipment and adequate protection of TCF’s interest, a copy of which is attached hereto as Exhibit “A”. Specifically, (1) Debtor shall make monthly payments to TCF; (2) Debtor shall maintain insurance on and keep the Equipment in good condition; and (3) Debtor shall pay the remainder of TCF’s claim in full under any proposed plan. A copy of the Stipulation and Agreed Order is attached hereto as Exhibit “A”. The parties request the Court approve the attached Stipulation and Agreed Order.

WHEREFORE PREMISES CONSIDERED, TCF respectfully requests that the Court enter the Stipulation and Agreed Order attached as Exhibit “A” hereto and grant the parties such other and further relief, both general and special to which it may be justly entitled.

Respectfully submitted,

LAW OFFICES OF T.H. KELLEY, P.C.

By: /s/ Teri H. Kelley

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**ATTORNEY FOR TCF EQUIPMENT  
FINANCE, A DIVISION OF TCF  
NATIONAL BANK**

**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2018, a true and correct copy of the above and foregoing Motion for Entry of Rule 4001 Stipulation and Agreed Order for Adequate Protection was served via ECF, if available or otherwise by first class U.S. mail postage pre-paid or to the parties listed below and on the attached service list.

/s/ Teri H. Kelley  
Teri H. Kelley

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